Education and Culture Committee

Higher Education Governance (Scotland) Bill

Submission from Peter Mackay

As a former Under Secretary at the Scottish Office in charge of further and higher education in the late 1980s I wish to register a strong protest at the provisions of the Higher Education Bill now before the Scottish Parliament. I do so from my experience in the Scottish Office and my later experience as a governor of a Scottish University.

As the Royal Society of Edinburgh has commented much of the Bill is objectionable in principle but I am particularly concerned at the practical effects of the provisions which will require the chairman of the governing body to be elected by a constituency wider than the governing body itself. This will risk the appointment of chairs who have little knowledge of the work of the governing bodies, have few chairmanship skills and who are accountable to a constituency other than that they chair. While this already applies to the Ancient universities in relation to the office of rector, it is common practice for the elected rector to delegate the chairmanship on all matters other than those directly affecting students to the senior lay governor, chosen by the governing body. Certainly, there is nothing in the experience of having rectors over the last three centuries for the ancient universities which justifies extending the principle of election more widely to the whole sector.

It is contrary to all the principles of corporate governance in the public and private sectors for the head of the governing body of major institutions responsible for budgets of hundreds of millions and thousands of staff to be elected by a constituency other than the governing body itself (except in the case of NDPBs accountable directly to Ministers who appoint the members of the board and the chair). In the private sector chairs of major companies are appointed not by the shareholders but by the boards they are to chair. In the university sector it is the governing body and not an external electorate which has knowledge and experience of the qualities of the individuals who are candidates for election to the chair and of the nature of the challenges facing the institution and it is to the governing body that the chairman should be accountable, not an external electorate.

Are Ministers going to give up, in favour of election, their right of direct appointment to the chairmanship of NDPBs or bodies such as Health Boards? If not, why impose on Universities (which are neither workers’ cooperatives nor government bodies but private charities) a principle which is not applied, so far as I know, to any other major institutions in the public or private sectors. The proposal is a solution in search of a problem and should be dropped.

I am sending a coy of this e mail to my local MSP, Fergus Ewing.

Peter Mackay CB
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